

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**  
March 25, 2011

The Protection Order Committee met at the Indiana Judicial Center on Friday, March 25, 2011 from 12:00 noon – 3:30 p.m.

1. Members present. David J. Certo, Elizabeth Ann Cure, Beverly S. Elliott, Christopher M. Goff, Jose D. Salinas, Ronald T. Urdal, Terry A. Wilson and Christopher A. Newton, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Guests. Magistrate Harold Brueseke, St. Joseph Probate Court; and LaJuan Epperson, Project Manager, JTAC, Division of State Court Administration were also present.
4. Minutes approved. The minutes for the meeting on January 28, 2011 were approved.
5. New members. Judge Newton welcomed a new member to the committee, Clerk Beverly S. Elliott. All members and staff of the committee introduced themselves.
6. Domestic Violence Grant. Jeffrey Bercovitz reviewed the domestic violence grant received by the Division of State Court Administration to develop a training curriculum on domestic violence for judges and provide this training. He reported the Division was conducting phone interviews to hire assistance in development of the training curriculum. He reported Judge Newton agreed to be the liaison to the Division on behalf of the committee and basic domestic violence training may be held in December 2011. Committee members (1) requested bilingual issues be added to the training; (2) requested the training could be held at the September conference in order require all judicial officers to attend; (3) noted domestic violence issues overlap in some No Contact Order cases. The training should not be held at the same time as any other session at a conference so all judicial officers could attend.
7. Protection orders. Jeffrey Bercovitz reported paragraph 2 of the *ex parte* protection order could not be used to prevent direct or indirect contact with a family or household member. Members of the committee said paragraph 6 should be used, which permits the court to add other conditions necessary for a protection order. They also agreed this should be noted in training judicial officers about the use of the form.
8. Recent Indiana cases. Committee members reviewed these recent cases: (1) Joslyn v. State, No. 49S04-1102-CR-50, (Ind. Feb. 15, 2011) and (2) Tharp v. State, No. 49S02-1005-CR-256 (Ind. Feb. 16, 2011).
9. Protection Order forms. Jeffrey Bercovitz distributed draft revisions to PO-0102, PO-0103 and WV-0100, prepared by Magistrate Hallett and Referee Wilson. Committee members reviewed PO-0102. They agreed the national and Indiana's protection order registry should be distinguished. In addition, it should be noted a protection order issued in Indiana is good in other states, even if it lacks the numeric identifiers which prevent it from placement in the

national registry. Members of the committee agreed to revise the draft forms for the committee's review at the next meeting.

10. Protection Order Registry.

a. Magistrate Harold Brueseke demonstrated the Topaz Signature Pad in use in St. Joseph Probate Court. He reported this stores the judicial officer's signature electronically. He mentioned various statutes and court rules about the use of electronic signatures.

b. LaJuan Epperson (1) distributed Spanish translations of the Petition and Protection Orders for review and indicated any free text would be added in English; (2) demonstrated a public search site for any respondent information in the POR; Committee members requested the printing noting the expiration be larger, and indicating whether the protection order was dismissed, if it was dismissed, rather than expired; and (3) reported a victim notification option will be ready soon for the protection order registry, which permits a victim to be notified when the protection order is granted, served and/or getting ready to expire.

11. Future meeting dates. Committee members agreed to meet again on Friday, April 29 after the judicial college session from 12:30 – 3:30 p.m. at the Judicial Center. They agreed to meet again on August 26, 2011 and October 28, 2011, from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law